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On: 8 January 2007Signature: [Signature]Type or Printed Name: Anna Gil

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re to the Application of:</b>  Peter W. BRINGMANN et al.  <b>Serial No.:</b> 10/005,646  <b>Filed:</b> 7 December 2001  <b>Title:</b> NOVEL FIBROBLAST GROWTH FACTORS  <b>Docket No.:</b> 51835AUSM1	<b>Examiner:</b> Christine J. Saoud  <b>Group Art Unit:</b> 1647
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Attention: Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION SUBMITTED WITH PETITION TO  
REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION  
UNDER 37 CFR § 1.137(b), NOTICE OF APPEAL, AND  
STATEMENT RE UNINTENTIONAL DELAY IN FILING A NOTICE OF APPEAL**

Dear Sir:

The above-identified application became unintentionally abandoned for failure to file a Notice of Appeal in compliance with 37 CFR §1.191. On 25 May 2006, Applicants filed a response to the final rejection mailed 12 November 2005 and inadvertently did not file a Notice of Appeal. Thereafter, Applicants received an Advisory Action mailed 9 June 2006 advising that the Applicants' response of 25 May 2006 failed to place the present application in condition for allowance, and the Notice of Abandonment mailed 19 July 2006.

01/09/2007 TL0111 00000060 022117 10005646  
02 FC:1253 1020.00 DA

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Application Serial No. 10/005,646  
Attorney Docket No. 51835AUSM1  
Communication re Petition to Revive Unintentionally Abandoned Application


Applicants hereby affirm that the entire delay in filing a Notice of Appeal was unintentional. In accordance with 37 CFR § 1.137(b), Applicants are within the one-year period for reviving the subject application, and wish to revive the abandoned application and file a Notice of Appeal under 37 CFR §1.191.

Included here with this communication is a Petition for Revival (2 pages) and Notice of Appeal (2 pages, including duplicate copy).

Applicants hereby authorize the Patent Office to charge to Deposit Account No. 02-2117: 1) the \$1,500.00 Petition fee under 37 CFR § 1.17(m) for reviving U.S. Serial No. 10/005,646; 2) the \$1,020.00 Petition fee under 37 CFR § 1.17(a)(3) for extending the pendency of U.S. Serial No. 10/005,646; 3) the \$500.00 fee for filing a Notice of Appeal for U.S. Serial No. 10/005,646; and 4) any other necessary fees associated with the filing of the Petitions and Notice.

Respectfully submitted,

Date: 8 January 2007

  
\_\_\_\_\_  
Anna Gil, Reg. No. 46,726  
Attorney for Applicants

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PTO/SB/84 (10-05)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
5183SAUSM1

First named inventor: Peter W. BRINGMANN

Application No.: 10/005,646

Art Unit: 1647

Filed: 7 December 2001

Examiner: Christine J. SAOUD

Title: Novel Fibroblast Growth Factors

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,600.00 (37 CFR 1.17(m)).

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of \_\_\_\_\_ (identify type of reply):

- ☒ has been filed previously on 25 May 2006 \_\_\_\_\_.
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to  
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any  
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,  
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/64 (10-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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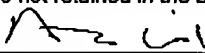
## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
\_\_\_\_\_  
Signature

8 January 2007

Date

Anna Gil  
\_\_\_\_\_  
Typed or printed name

46,726

Registration Number, if applicable

Berlex, Inc  
\_\_\_\_\_  
Address

510 669-4758

Telephone Number

2600 Hilltop Drive, Richmond, CA 94804  
\_\_\_\_\_  
Address

Enclosures: ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay  
*see attached communication*☒ Other: Communication with fee authorization (2 pgs) and Notice of Appeal (1 pg)

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

8 January 2007

Date

  
\_\_\_\_\_  
Signature  
Anna Gil

Typed or printed name of person signing certificate